



AGENDA
RIO DELL PLANNING COMMISSION
SPECIAL MEETING
TUESDAY, DECEMBER 11, 2018 – 5:30 P.M.
CITY HALL COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME.....*By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the Commission are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell Planning Commission meetings often.*

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

E. CONSENT CALENDAR

- 1) 2018/1211.01 - Approve Minutes of the October 23, 2018 Regular Meeting
(ACTION)

F. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. As such, a dialogue with the Commission or staff is not intended. Items requiring Commission action not listed on this agenda may be placed on the next regular agenda for consideration if the Commission directs, unless a finding is made by at least 2/3rds of the Commission that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

G. SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

- 1) 2018/1211.02 - Adopt Resolution No. PC 135-2018 Approving Humboldt Brand's Modification to the Conditions of Approval of their Cannabis Activity Conditional Use Permit - File No. 205-111-022 Case No. CUP-CCLUO-18094 **(ACTION)**

H. STAFF COMMUNICATIONS

I. ADJOURNMENT



In compliance with the American with Disabilities Act (ADA), if you need Special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

***The next Regular Planning Commission meeting is scheduled for
Tuesday, January 22, 2019***

**RIO DELL PLANNING COMMISSION
REGULAR MEETING MINUTES
OCTOBER 23, 2018**

Commissioner Angeloff called the regular meeting of the Rio Dell Planning Commission to order at 6:35 p.m.

Present were Commissioners Angeloff, Kemp, Marks, and Planning Commission Alternate Richter. Absent were Commissioners Strahan and Woodall.

Others present were Community Development Director Caldwell and City Clerk Dunham.

CONSENT CALENDAR

Approve Minutes of the September 25, 2018 Regular Meeting

Motion was made by Marks/Richter to approve the minutes of the September 25, 2018 regular meeting. Motion carried 4-0.

PUBLIC PRESENTATIONS

Bob Weiner thanked the Commission for giving him the opportunity to attend the meeting.

SCHEDULED MATTERS/PUBLIC HEARINGS/STUDY SESSIONS

Resolution No. PC-134-2018 Approving Whitlow Lot-Line-Adjustment – File No. 205-111-044 – Case No. LLA 18-02

Community Development Director Caldwell reviewed the staff report recommending approval of an application for a lot-line adjustment between two parcels adjusting approximately 22,700 square feet from one parcel to the other parcel. The approved lot-line adjustment would result in two parcels of 1.11 acres and 2.01 acres.

Next was review of the required findings and the development standards for the Industrial Commercial (IC) zone. Staff noted that the proposed lot-line adjustment meets the minimum parcel sizes of 20,000 square feet, does not result in any nonconformity in regards to setbacks or lot coverage and does not require the relocation of any easements or utilities. The applicant submitted evidence in support of making the required findings and staff found the application to be complete.

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Community Development Director Caldwell noted that staff is recommending typical Conditions of Approval, requiring that the lot line adjustment be completed within thirty-six (36) months of the approval date; the Notice of Lot Line Adjustment recorded for the resulting parcels; documentation from the applicant that all property taxes for the parcels involved in the lot line adjustment have been paid in full; and that the applicant pays the application fees to the City within 30 days of billing.

He commented that both Randy Whitlow and his surveyor, Wally Wright were provided copies of the Conditions of Approval and they are in agreement with the conditions as proposed.

Commissioner Kemp asked if the same access would be used for both parcels.

Community Development Director Caldwell referred to the Record of Survey, which identified the 50-foot easement on the west side of the parcel as the dedicated access for both parcels.

Commissioner Marks questioned the parcel boundary with regard to the railroad property.

Community Development Director Caldwell noted the parcel boundaries extend to the edge of railroad property boundary.

Commissioner Angeloff opened the public hearing to receive public input on the proposed lot line adjustment.

Bob Weiner addressed the Commission and said that he is affiliated with the Knox Medical Group out of Florida and they are interested purchasing property at the Humboldt Rio Dell Business Park with regard to medical cannabis operations only.

Commissioner Angeloff noted that the City encourages medical cannabis operations and that operators with a recreational cannabis license must also have a medical cannabis license to operate in the City.

Mr. Weiner indicated that they were the first group in Humboldt County to be licensed and second in the State of California.

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There being no further public comment, the public hearing closed.

Commissioner Angeloff disclosed that he had done some archeological work for someone involved with the Knox Medical Group. It was determined that there was no conflict of interest, as he would have no financial gain as a result of the approved lot line adjustment.

Motion was made by Marks/Richter to adopt *Resolution No. PC 134-2018 approving the Whitlow Lot Line Adjustment subject to the Conditions of Approval as proposed. Motion carried 4-0.*

Commissioner Marks asked if staff had made any progress on the concept of purchasing 255 Wildwood Ave.

Community Development Director Caldwell said that he was not aware of any ongoing negotiations however; the City Manager could be having discussions that staff is not aware of.

He noted that the City is negotiating with Andy and Sarah Albin for possible purchase of 203 Wildwood Ave., the parcel west of the Downtown City Parking Lot. He said the desire is to acquire the property for the temporary library modular. Staff is also working on getting some renderings done for a potential community center and library as a future project for the downtown.

STAFF COMMUNICATIONS

Community Development Director Caldwell reported that Glenn White, PMD Inc. is proposing an amendment to his Conditional Use Permit to allow for a second laboratory at his facility (Litica Labs). He said he will be submitting an addendum to the Plan of Operation and that the application will be coming to the Planning Commission at the next meeting.

He also reported that staff met with *Element 7 Co.* today and they are looking to come over to the Humboldt Rio Dell Business Park:

He commented that there are currently three (3) parcels at the business park for sale; those owned by Randy Whitlow, Mountain Investments, and Double S Investments. He noted that Rio Dell Holdings might be abandoning their project,

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which is unfortunate because it contains the parcel with the Brownfields site. He indicated that EPA recently issued them a Consent Decree for the cleanup.

He also reported on the water line extension project at the Humboldt Rio Dell Business Park and noted that Glenn White had to upsize the water line from an 8-inch line to a 10-inch line, which increased the cost of the project. He said that he installed 5,000 feet of water line and should be able to tie into the City's water system by the end of the week.

He commented that Humboldt Brand at 120 Northwestern Ave. should be up and running within the next 30 days.

He also noted that staff would be proposing an amendment to the City's Cannabis Regulations to match the State Regulations, which should help to speed up the process for operators.

ADJOURNMENT

The meeting adjourned at 6:55 p.m. to the November 27, 2018 regular meeting.

Nick Angeloff, Chair


Attest:

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: December 11, 2018
☐ Consent Item; ☒ Public Hearing Item

To: Planning Commission
From: Kevin Caldwell, Community Development Director 
Through: Kyle Knopp, City Manager 
Date: December 4, 2018
Subject: Humboldt Brand Modification Request
File No. 205-111-022; Case No. CUP-CCLUO-18094

Recommendation:

That the City Council:

1. Receive staff's report, open the public hearing, receive public input and deliberate; and
2. Adopt Resolution No. 135-2018 deferring Condition No. 4, the placement of a seven (7) foot wrought iron fence until April 30, 2019.

Background and Discussion

The Planning Commission approved the Humboldt Brand's cannabis activity permit in June of this year. Condition No. 4 requires the installation of a seven (7) foot wrought iron fence around the perimeter of the parcel. A copy of the Conditions is included as Attachment 2. Due to the expenses incurred to date, Humboldt Brand would like to defer the placement of the fence. They have indicated that they will install the fence no later than April 30, 2019. Staff has no objection to the request.

Attachment 1: Humboldt Brand's Request

Attachment 2: Humboldt Brand Conditions of Approval

Attachment 3: Resolution No. 135-2018



November 28, 2018

City of Rio Dell
Community Development Department
Planning Commission
675 Wildwood Avenue
Rio Dell CA 95562

Re: Requesting Time Extension

Ladies and Gentlemen:

Please accept this letter as the Humboldt Brand Cannabis Company request for a time extension to complete our work under File No 205-111-022; Case No. CUP-CCLUO-18-04.

Humboldt Brand Cannabis Company has been working diligently to meet the Conditions of Approval for the above project. As of date most of the items listed has been met with the exception of:

#4 A Seven (7) foot black wrought iron or steel security fence is to be placed around the perimeter of the parcel.

#29 A proposed signage that complies with the City Sign Regulations.

The delay in completing all the conditions was due to the numerous work order revisions request on the design/site plan by the State. These revisions have been completed. We can now focus in completing the remaining items on the Condition of Approval list. We would like to defer these items until April 30, 2019 if possible.

Your consideration of this request is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Reuven Sherr", is written over a horizontal line.

Reuven Sherr
CEO

EXHIBIT A

Conditions of Approval Humboldt Brand Conditional Use Permit File No. 205-111-022; Case No. CUP-CCLUO-18-04

Conditions of Approval – Permanent Facilities

1. Verification form the Fortuna Fire Protection District indicating their conditions of approval have been satisfied and they have no objection to the occupancy of the building and the commencing of activities. This may require the installation of sprinklers and a fire hydrant.
2. Security cameras shall be placed to monitor the site and the interiors of the building. The applicant shall submit a site plan and floor plan identifying the locations of the security cameras. In addition, the following measures shall be implemented and maintained.
 - Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 720 concurrent hours of digitally recorded documentation in a format approved by the Planning Commission. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, processing areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the Planning Commission.
 - The facility shall be alarmed with an audible interior and/or exterior silent alarm system that is operated and monitored by a recognized security company, deemed acceptable by the Planning Commission. Any change in the security company shall be subject to the approval of the City Manager or his designee. All current contact information regarding the cannabis facility's security company shall be provided to the City Manager or designee.
3. State of California Security Regulations, §40200 of the California Code of Regulations (CCR). Every applicant and licensee shall develop and implement a security plan. At minimum, the security plan shall include a description of the security measures to be taken to:
 - Prevent access to the premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:
 - Establishing physical barriers to secure perimeter access and all points of entry into a manufacturing premises (such as locking primary entrances with commercial-grade,

non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);

- Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;
- Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;
- Maintaining the premises such that visibility and security monitoring of the premises is possible; and
- Establishing procedures for the investigation of suspicious activities.
- Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:
 - Establishing an inventory system to track cannabis material and the personnel responsible for processing it throughout the manufacturing process;
 - Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
 - Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
 - Providing designated areas in which personnel may store and access personal items.
- Secure and back up electronic records in a manner that prevents unauthorized access and that the integrity of the records is maintained.

4. A seven (7) foot black wrought iron or steel security fence shall be placed around the perimeter of the parcel.

5. The back side of the building shall be fortified to the satisfaction of the Community Development Director and Police Chief.

6. The applicant shall enroll in the County Hazardous Waste program. Hazardous materials and wastes from agricultural businesses are regulated by the Humboldt County Environmental Health Division, which administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA). This includes the application, inspection, enforcement, and reporting under the program requirements and standards set by the California Environmental Protection Agency (CalEPA). The applicant shall provide evidence of enrollment.

7. All disposal of cannabis waste is subject to Section 40290 of the California Code of Regulations (CCR). Section 40290(e) of the CCR's requires that the cannabis waste be rendered to make it unusable and unrecognizable before removing the waste from the premises. This requires that the cannabis waste be grinded and incorporated with other ground material so that the resulting mixture is at least 50% non-cannabis material by volume. All hazardous waste as defined in Section 40141 of the Public Resources Code (PRC) must be managed with all applicable hazardous waste statutes and regulations.

8. The applicant shall participate in the City's Track and Trace program administered by CalOrgan and when available the State's Track and Trace program.

9. The applicant shall submit evidence that the State has issued license(s) for the nursery, manufacturing, processing and distribution activities.

10. Entrance to the extraction areas and any cannabis or cannabis products storage areas shall be locked at all times, and under the control of facility staff.

11. Cannabis, including cannabis products shall be stored in buildings that are completely enclosed, and in a locked vault or safe, or other secured storage structure which is bolted to the floor or structure of the premises.

12. Any windows and roof hatches of the temporary units that store cannabis or cannabis products shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable building provisions in the Code.

13. If using CO₂ in processing, a professional grade closed-loop CO₂ gas extraction system rated to a minimum of fifteen thousand (15,000) pounds per square inch (PSI) is required for every vessel in the system.

14. Extraction processes shall use a commercially manufactured professional grade closed-loop extraction system designed to recover the solvents and built to codes of recognized and generally accepted sound engineering practices, such as (i) The American Society of Mechanical Engineers (ASME); (ii) American National Standards Institute (ANSI); (iii) Underwriters Laboratories (UL); or (iv) The American Society for Testing and Materials (ASTM).

15. Volatile extraction operations shall occur in a C1D1 spark-proof, explosion-proof room equipped with evacuation fans and lower explosive limit (LEL) detectors.

16. Carbon filter fans or equivalent superior filters/scrubbers shall be required to eliminate odor discharges to neighboring properties.

17. Records Retention. The term record includes: all records, applications, licenses, reports or other supporting documents required by the City and the State. The following information shall be kept on-site be readily available

(a) Each permittee shall keep and maintain the records listed in subsection (e) for at least 7 years from the date the document was created.

(b) Records shall be kept in a manner that allows the records to be immediately produced for the City at the permitted premises.

(c) All records related to commercial cannabis activity are subject to inspection by the City.

(d) A permittee may contract with a third party to provide custodial or management services of the records. Such a contract shall not relieve the licensee of its responsibilities under this condition.

(e) Each permittee shall maintain all of the following records on the licensed premises or at a different location identified by the licensee and approved by the City, including but not limited to:

- City and State issued permits and license(s);
- Plan of Operations;
- All records evidencing compliance with the environmental protection measures required in Sections 8313, 8314, and 8315 of the California Code of Regulations;
- Any supporting documentation for data or information input into the track-and-trace system;
- Financial records, including but not limited to, bank statements, tax records, invoices, and sales receipts;
- Personnel records, including each employee's full name, social security, or individual tax payer identification number, date of beginning employment, and date of termination of employment if applicable;
- Training records, including but not limited to the content of the training provided and the names of the employees that received the training;

- Contracts with other state licensed medical cannabis businesses;
- Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity;
- Security records; and
- Records associated with the composting or disposal of waste.

(f) All required records shall be prepared and retained in accordance with the following conditions:

- Records shall be legible; and
- Records shall be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft.

18. A package used to contain a cannabis product shall adhere to the following requirements:

- The package shall protect the product from contamination and shall not expose the product to any toxic or harmful substance;
- The package shall be tamper-evident, which means that the product is packaged in a container within which a product is sealed so that the contents cannot be opened without obvious destruction of the seal; and
- The package shall not imitate any package used for products typically marketed to children.

19. The following labeling requirements shall be implemented as required by the State of California:

- Any information required to be listed on a label shall be written in English;
- Label and all required label information shall be unobstructed and conspicuous;
- The label shall be in a text size no less than 6 point font and be in relation to the size of the container; and

20. All labels shall include the following information or information required by the State of California at the time the products are produced.

- The applicable requirements of Section 19347 of Business and Professions Code;
- The net weight of the contents in the package; and
- The unique identifier assigned by the track-and-trace system as required by Section 8402 of the California Code of Regulations (CCR).

21. Community Relations: Each cannabis facility shall provide the City Manager or designee with the name, phone number, facsimile number, and email address of an on-site community relations or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis facility or refer members of the public who may have any concerns or complaints regarding the operation of the medical cannabis facility. Each medical cannabis facility shall also provide the above information to its business neighbors located within 300 feet of the medical cannabis facility.

22. Inspections: Consent to on-site compliance inspections, to be conducted by appropriate City officials during regular business hours (Monday – Friday, 9:00 am – 5:00 pm, excluding holidays).

23. All waste and recycling facilities shall be secured and screened to the satisfaction of the Community Development Director.

24. Comply with all federal, state, and local laws and regulations applicable to California Agricultural Employers, including those governing cultivation and processing activities.

25. Highway 101, Metropolitan Heights and Northwestern Intersection Improvements: Any required improvement costs to the Highway 101 and Metropolitan Heights and Northwestern Intersections will be shared among the developers based on the number of daily trips generated by their uses.

26. The applicant shall execute the Release of Liability and Hold Harmless Agreement required by Section 17.30.195(4) of the Rio Dell Municipal Code (RDMC).

27. An emergency power source (generator) shall be provided to supply power to the manufacturing area at a minimum.

28. The operations shall comply with all local and State regulations at all times.

29. Any proposed signage shall comply with the City Sign Regulations in effect at the time.

30. The applicant shall install fire hydrants in a location acceptable to the Fortuna Fire Protection District.

Operational Conditions

1. All outdoor storage materials and equipment shall be screened from public view.
2. The building, parking lot, stripping and landscaping shall be maintained in good condition. The stripping shall be permanently maintained in a clear and visible manner.
3. The storm drain system, including any detention/retention basin shall be maintained to ensure it works properly.
4. Any exterior light fixture shall be directed downward and away from adjoining properties and public rights-of-way and so that no on-site light fixture directly illuminates adjacent properties.

Informational Notes

1. If potential archaeological resources, paleontological resources or human remains are unearthed during grading activities, all work ground disturbing activities shall be stopped and a qualified archaeologist funded by the applicant and approved by the City of Rio Dell and the Bear River Band of the Wiyot Nation, shall be contracted to evaluate the find, determine its significance, and identify any required mitigation (e.g., data recovery, resource recovery, in-situ preservation/capping, etc.). Any such mitigation shall be implemented by the developer prior to resumption of any ground disturbing activities.
2. In accordance with California Health and Safety Code §7050.5 and California Public Resources Code §5097.94 and 5097.98, if human remains are uncovered during project subsurface construction activities, all work shall be suspended immediately and the City of Rio Dell, Humboldt County Coroner and the Bear River Band of the Wiyot Nation shall be immediately notified. If the remains are determined by the Coroner to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours of the determination, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

RESOLUTION NO. PC 135-2018



**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIO DELL
APPROVING THE HUMBOLDT BRAND'S MODIFICATION TO THE CONDITIONS OF
APPROVAL OF THEIR CANNABIS ACTIVITY CONDITIONAL USE PERMIT.**

WHEREAS the Humboldt Brand made application for a Conditional Use Permit for cannabis related activities at the former Moore Fuel parcel; and

WHEREAS the Humboldt Brand is partnering with HARDCAR. HARDCAR will be providing security, transportation and distribution services; and

WHEREAS Section 17.30.195 the City's Commercial Cannabis Land Use Ordinance (CCLUO), allows commercial cannabis activities at the former Eel River Sawmill site, now known as the Humboldt Rio Dell Business Park with a Conditional Use Permit (CUP); and

WHEREAS the Conditional Use Permit (CUP) application was for Volatile and Non-Volatile Manufacturing, Infusion Manufacturing activities, Nursery/Propagation activities, Processing/Packaging, Distribution in an existing 3,200 sq. ft. building; and

WHEREAS the Conditional Use Permit (CUP) also included the temporary use of two C1D1 and or C1D2 manufacturing units; and

WHEREAS the Planning Commission approved the Humboldt Brand's application on June 26, 2018 subject to conditions of approval, including the placement of a (7) foot wrought iron fence around the perimeter of the parcel; and

WHEREAS the Humboldt Brand has made application to modify the Conditions of Approval to defer the placement of the required seven (7) foot wrought iron fence until April 30, 2019; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rio Dell approves Humboldt Brand's request to defer the placement of the required seven (7) foot wrought iron fence until **April 30, 2019**.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the Planning Commission of the City of Rio Dell on December 11, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Nick Angeloff, Chair

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. PC 135-2018 adopted by the Planning Commission of the City of Rio Dell on December 11, 2018.

Karen Dunham, City Clerk, City of Rio Dell